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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,889	07/02/2003	Marion J. Ince	P/4172-16	6887

2352 7590 04/18/2006

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EXAMINER
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JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,889	<b>Applicant(s)</b> INCE ET AL.	
	<b>Examiner</b> William C. Joyce	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2,5 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the Election filed March 3, 2006 for the above identified patent application.

#### ***Election/Restrictions***

1. Claims 2, 5, and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 3, 2006.

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it should be limited to a single paragraph and must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1, line 2, the limitation “especially a needle cage” is not fully understood.

Does applicant intend to positively recite a needle bearing cage or a cylindrical roller bearing cage?

b. Claim 1, line 12+, the limitation “said webs projecting partially into the pockets (7,23,39), between the rolling-contact elements (8,9)” is not clear. Specifically, the limitation “said webs” is not clear as to whether applicant is referring to the web illustrated with reference character 6 or is referring to the stub-shaped webs illustrated with reference character 15. It appears the limitation should be changed to --said stub shaped webs-- because the webs 6 do not extend between the rolling contact elements.

c. Claim 1, lines 16-17, the limitation “the pitch circle” lacks proper antecedent basis.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barr (US Patent 3,586,406) in view of Schaeffler et al. (US Patent 2,772,128).

Barr discloses a cage for cylindrical rolling-contact elements in which at least two rolling-contact elements (26), that are in contact with one another at their lateral surfaces, are arranged in series in the circumferential direction in a pocket and each of the two rolling contact elements is guided parallel a cage axis by webs (32,34,36,37) connecting adjoining side rings (31) to one another, wherein the webs, comprise sections (34,36) that extend parallel to the cage axis, lie partially inside and partially outside the pitch circle and are connected to one another by sections that extend obliquely to the cage axis, the cage being rolled into a round shape from a profiled sheet-metal strip (see paragraph spanning column 2-3).

Barr does not disclose stub-shaped webs on the side rings in the center of the pockets between the rolling-contact elements, but the prior art to Schaeffler et al. discloses the claimed stub-shaped webs (27,28) used in combination with a roller bearing cage for holding the rollers within the cage pockets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cage of Barr with stub-shaped webs, as taught by Schaeffler et al., motivation being to holding the rollers within the cage pockets.

With respect to claim 3, Barr illustrates in Figures 5-6 the cage being configured to hold the rollers on the inside while the outer ring (20) holds the rollers on the outside.

With respect to claim 4, Barr illustrates the web portion (36) extending parallel to the cage axis and positioned inward of the pitch circle, but does not teach the web portion (36) being positioned outside the pitch circle as defined by the claim. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the web portions (36) of Barr so as to extend outside the pitch circle, so as to hold the rolling members from falling out of the cage in an outward direction when the outer race is removed from the bearing assembly.

With respect to claim 6, Barr does not disclose the thickness of the cage material being less than or equal to 30% of the diameter of the rolling members. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cage thickness of Barr so as to provide adequate support to the rolling members, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/14/06  
William C. Joyce